

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10406 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

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RASHTRIYA MAZDOOR UNION

Versus

HINDUSTAN BROWN BOVERY LTD.

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Appearance:

MR.D.C.RAVAL for M/S ANAND ADVOCATES for Petitioner

MR.KAMAL TRIVEDI FOR M/S TRIVEDI & GUPTA for Respondent No. 1

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 17/07/97

ORAL JUDGEMENT

This Special Civil Application is directed against the impugned Award, Annexure 'C' dated 15.7.1995 passed by the Labour Court, Baroda in Reference (LCV) No.459/85. The dispute was as to whether concerned workmen - members of the petitioner union had been retrenched or they had voluntarily abandoned the job. The reference was rejected by the Labour Court. The petitioner union being aggrieved of this Award preferred this Special Civil Application in which Rule was issued

on 12.12.1995.

Today on mention being made by the learned Counsel that parties had reached the settlement the matter was called from the registry and was taken up on the request of both the sides. Both the sides have produced short recital of the case and the Annexure 'A' to this short recital dated 17.7.1997 includes the name of 80 workmen and it is submitted that the petitioner union as well as 80 concerned workmen whose names are included in this Annexure have agreed to settle the whole dispute for the amount mentioned against the name of each of the workman. The amount so mentioned against the name of 80 concerned workmen shall be paid by the respondent company to them within one week from today. Mr.Krishna Kurup, President of the petitioner union is present in person. Mr.J.J.S.Pavar, Senior Manager (Personnel) is also present in the Court on behalf of the respondent company. Mr.Krishna Kurup, President of the petitioner union has also stated that each of the concerned workman has agreed to settle the matter for the amount mentioned against his name and the receipt of this amount from the respondent company by each of the workman shall be in lieu of the settlement of the whole dispute and no controversy would now be raised either by the petitioner union or any other concerned workman. The short recital of the case alongwith Annexure 'A' duly signed by all concerned shall remain on record and may be treated as part of this order.

The terms which have been agreed as mentioned in Annexure 'A' shall be enforceable as if it is an order of the Court. The impugned Award stands modified accordingly.

This Special Civil Application is therefore allowed in part according to the agreed terms as a consent order and the Rule is also made absolute accordingly. No order as to costs.

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m.m.bhatt.